

**CALENDAR ITEM**

**C74**

A 11

04/23/15

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PRC 8350.1

J. Sampson

**GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

**APPLICANT:**

Thomas Sander and Nancy R. Sander

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in the Sacramento River, adjacent to 14486 State Route 160, near Walnut Grove, Sacramento County

**AUTHORIZED USE:**

Use and maintenance of a covered single-berth floating boat dock, gangway, boat lift, six pilings, and bank protection.

**LEASE TERM:**

10 years, beginning April 11, 2008.

**CONSIDERATION:**

**Covered Single-Berth Floating Boat Dock, Gangway, Boat Lift, and Six Pilings:** no monetary consideration pursuant to Public Resources Code section 6503.5.

**Bank Protection:** the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in an amount no less than \$1,000,000 per occurrence.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On November 26, 2001, the Commission authorized a 10-year Recreational Pier Lease to Douglas Balatti. That lease expired November 30, 2011. The Lessee deeded his interest in the upland property to Thomas Sander and Nancy R. Sander on April 11, 2008. The Applicant

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is applying for a General Lease – Recreational and Protective Structure Use. Staff recommends starting the lease consistent with the date of transfer of ownership.

3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The law provides for two exceptions to the imposition of rent. Those exceptions are for:
  - a) A lease in effect on July 1, 2011, through the remaining term of that lease. If a lease in effect on July 1, 2011, expires or is otherwise terminated, any new lease will be subject to rent; and
  - b) A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

Because the application was submitted to the Commission prior to March 31, 2011, the lease meets the statutory requirements for an exception to section 6503.5 of the Public Resources Code for the term of this lease. Therefore, this lease qualifies for rent-free status.

4. The staff recommends that the Commission find that this activity is exempt from the requirements of California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. **C74** (CONT'D)

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Thomas Sander and Nancy R. Sander beginning April 11, 2008, for a term of 10 years, for use and maintenance of an existing covered single-berth floating boat dock, boat lift, gangway, six pilings, and bank protection, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration for the covered single-berth floating boat dock, boat lift, gangway, and six pilings: no monetary consideration pursuant to the exemptions within Public Resources Code section 6503.5; consideration for the bank protection: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 8350.1**

**LAND DESCRIPTION**

One parcel of tide and submerged land situated in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Lands survey 318, patented July 11, 1865, County of Sacramento, State of California, more particularly described as follows:

All those lands underlying an existing gangway, covered single-berth floating boat dock, and boat lift, lying adjacent to that parcel described in Grant Deed recorded April 15, 2008 as Document Number 20080415 at Page 1523 in Official Records of Sacramento County.

TOGETHER WITH any applicable impact area.

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure lying adjacent to said deed.

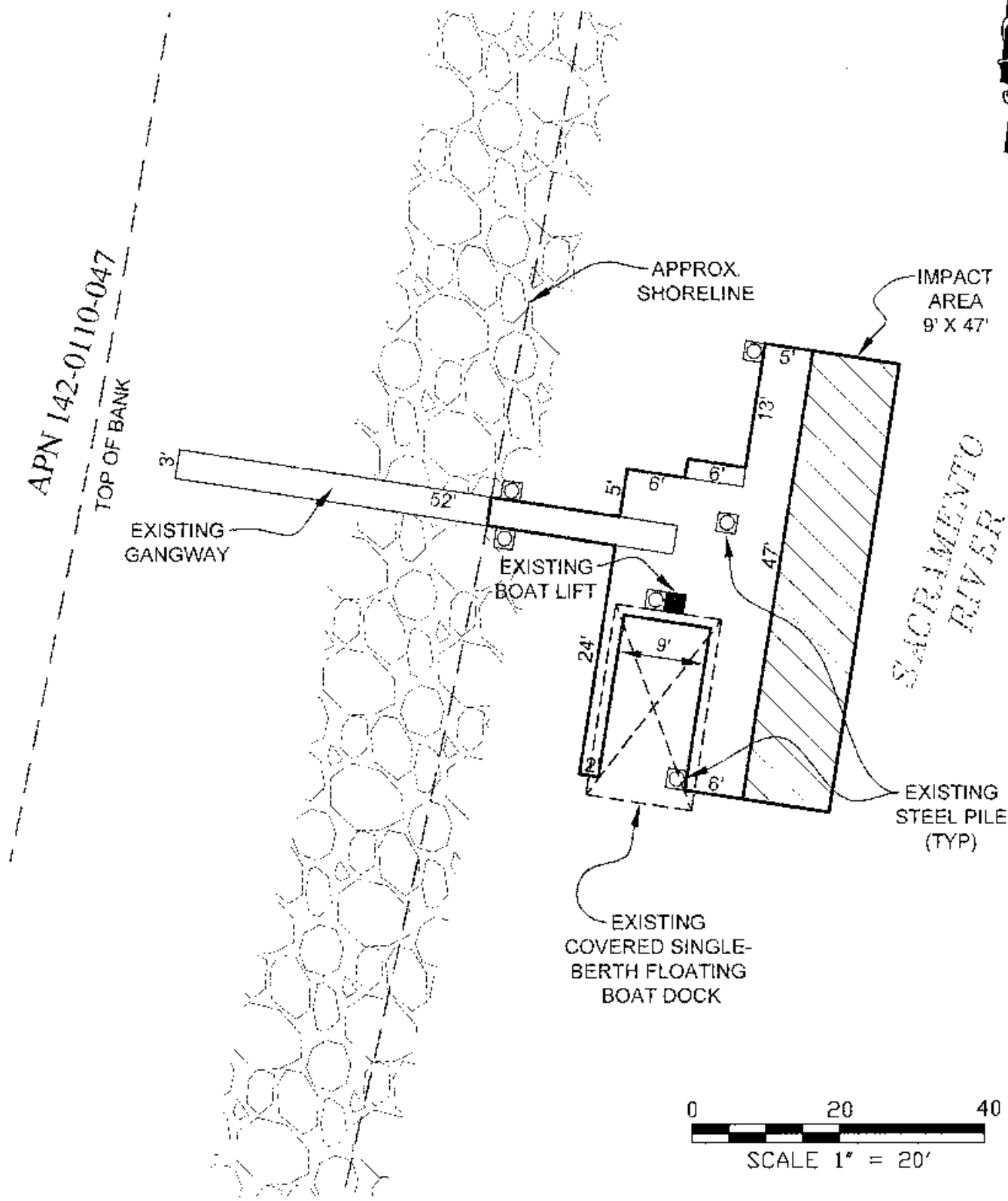
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 02/09/2015 by the California State Lands Commission Boundary Unit.





## EXHIBIT A

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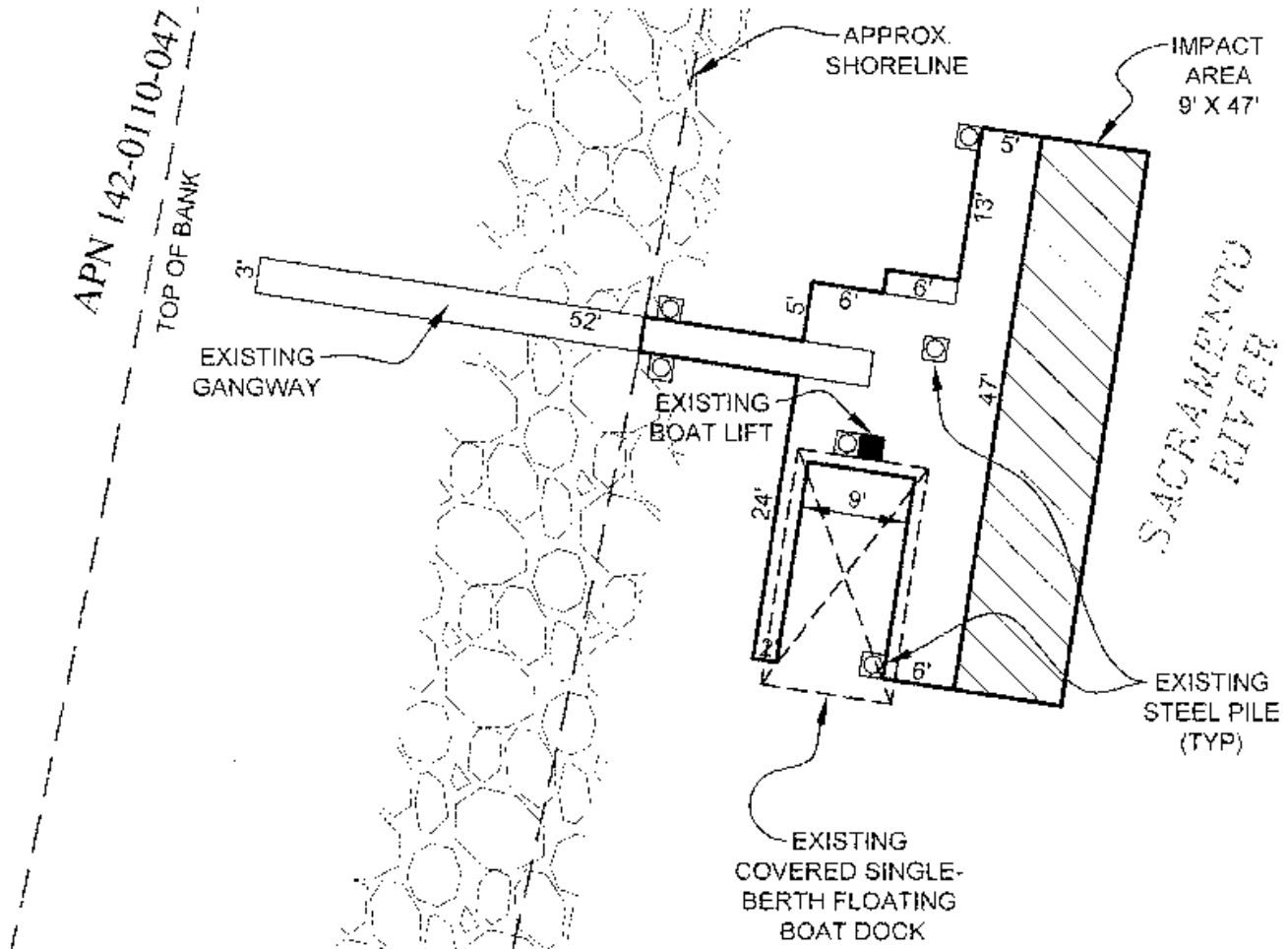
LAND DESCRIPTION PLAT  
PRC 8350.1, SANDER  
SACRAMENTO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

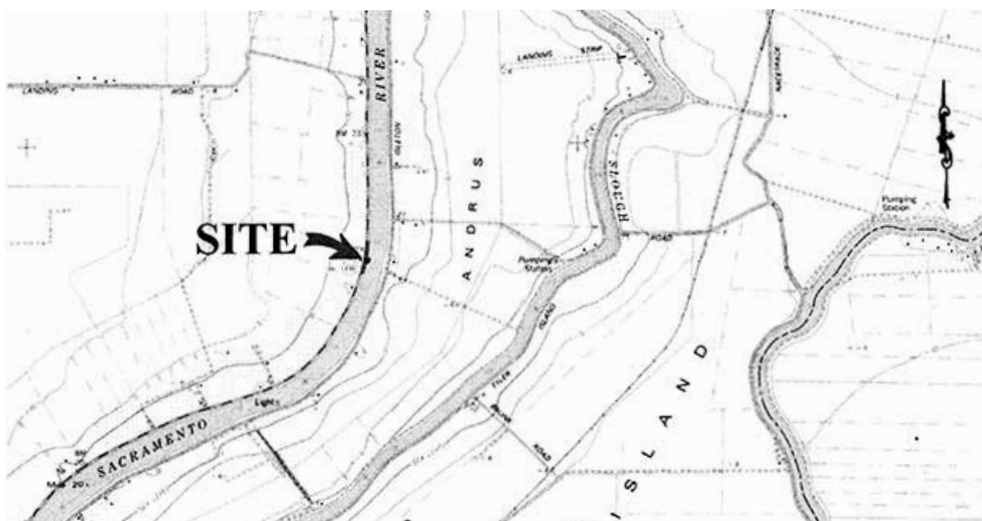
## SITE



14486 STATE HWY 160, SOUTHWEST OF WALNUT GROVE

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit B**

PRC 8350.1

SANDER

APN 142-0110-047

GENERAL LEASE -  
RECREATIONAL  
AND PROTECTIVE  
STRUCTURE USE  
SACRAMENTO COUNTY

